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# TRANSMITTAL LETTER

## (General - Patent Pending)

Docket No.  
**RFSUNY-3672**

Re Application Of: **Pekar, Alexandr**

Application No. 10/733,906	Filing Date 12/11/2003	Examiner Wieker, Amanda, F.	Customer No. 41672	Group Art Unit 3743	Confirmation No.
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**Title: ATRAUMATIC ENDOTRACHEAL TUBE INTRODUCER AND ATRAUMATIC INTUBATION METHODS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

## A STATEMENT OF THE SUBSTANCE OF A TELEPHONE INTERVIEW

in the above identified application.

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*Sander Patin*  
Signature

**Dated: July 19, 2005**

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CC:



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Pekar, Alexandr

**Examiner:** Wieker, Amanda, F.

**Serial No.:** 10/733,906

**Art Unit:** 3743

**Filed:** 12/11/2003

**Dkt. No.:** RFSUNY-3672 (R14005-110)

**AN ATRAUMATIC ENDOTRACHEAL  
TUBE INTRODUCER AND ATRAUMATIC  
INTUBATION METHODS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT OF THE SUBSTANCE OF AN INTERVIEW**

Sir:

This statement is being filed in response to the Examiner's prompt, received by applicant's attorney on 14 July 2005, advising that, pursuant to MPEP 713.04, the substance of an earlier telephone interview must be made of record in the application.

1. A telephone interview transpired on 28 June 2005.
2. The participants in the interview were the Examiner Amanda F. Wieker and applicant's attorney Sander Rabin.
3. No exhibits were shown nor were any demonstrations conducted.
4. Specific prior art was not discussed.
5. Original (now cancelled) Claims 1-14 and Proposed Claims 15-19 (to be added by a responsive amendment document) were discussed. Proposed Claims 15-19 were versions of certain Original Claims rewritten in independent form to include all limitations of Original Base Claims and intervening Original Claims; and, were intended to satisfy the Examiner's objection of dependency upon Original Base Claims that were rejected.

6. During the telephone interview, the Examiner advised that Proposed Claims 15-19 appeared to be in condition for allowance, but that a final determination would not be made until a responsive amendment document was formally filed by the applicant.

7. The Examiner was advised by applicant's attorney that the original specification would be amended, consistently with the language of Proposed Claims 15-19, to describe the distal (open) end of the shroud as a "closed conic section," in lieu of its original description as an ellipse or a circle; and, that this amendment would not add new matter because the intersection of a plane with a cone can only be a "closed conic section" if the intersection forms either an ellipse or a circle.

8. The Examiner replied that Proposed Claims 15-19 and the amendment to the specification would be examined and considered when the responsive amendment document was formally filed.

Respectfully submitted



**Sander Rabin, MD JD      July 19, 2005**

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